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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/900,559	07/05/2001	Robert S. Daley	010299	5056
23696 7590 02/12/2008 QUALCOMM INCORPORATED 5775 MOREHOUSE DR. SAN DIEGO, CA 92121			EXAMINER ELALLAM, AHMED	
			ART UNIT 2616	PAPER NUMBER
			NOTIFICATION DATE 02/12/2008	DELIVERY MODE ELECTRONIC

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

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kascanla@qualcomm.com  
nanm@qualcomm.com

## Office Action Summary

**Application No.**

09/900,559

**Applicant(s)**

DALEY ET AL.

**Examiner**

AHMED ELALLAM

**Art Unit**

2616

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 08/28/2007 and interview of 01/23/08.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-25,27,28,69-74 and 76-87 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-25,27,28,69-74 and 76-87 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- ☒ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☐ Information Disclosure Statement(s) (PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_.
- ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.
- ☐ Notice of Informal Patent Application
- ☐ Other: \_\_\_\_\_.

## DETAILED ACTION

This office action is responsive to interview conducted on 23 January 2008.

Claims 1-25, 27-28, 69-74, and 76-87 are pending

### ***Claim Rejections - 35 USC § 102***

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

1. Claims 1, 3, 5-8, 11-15, 18, 19, 22, 27, 28, 77, 73, 74, and 80-82 are rejected under 35 U.S.C. 102(e) as being anticipated by Curry et al, US20030169727.

#### **As to independent claims 1, 11, 22, and 74:**

Regarding claim 1, with reference to figures 1-3, Curry discloses a voice over Internet (VOIP) system comprising:

A wireless gateway system in communication with a plurality of mobile units 1 (Figure 2), using a wireless link between base stations transceivers 61 and wireless terminals 1, the transceivers provide two-way wireless voice frequency communications for the wireless terminals, see paragraph [0019], (claimed at least one infrastructure component communicating with one or more wireless devices using a wireless device over-the-air (OTA) protocol different from Internet protocol (IP));

The wireless gateway system comprising a packet service gateway 69, for facilitating communication between a wireless device 1 (claimed target device) and a router within data network 31 (Internet) see (figure 3), (claimed at least one logic component

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facilitating communication between a target wireless device and a communication device, the target wireless device not supporting IP); the packet service gateway establishes two-way voice communication via the public packet switched data network 31, for each voice call in progress through a transceiver and a wireless telephone terminal 1. The packet service gateway performs the necessary compression and decompression of the voice signals and conversions between the protocols used for wireless voice communication and the TCP/IP protocols on the network 31, see paragraph [0033]. (Claimed the logic component undertaking method acts including: transforming-voice data in IP protocol to the wireless device OTA protocol; sending the voice data in the wireless device OTA protocol to the target wireless device; transforming-voice data in the wireless device OTA protocol from the target wireless device to IP protocol; and sending the voice data in IP protocol toward the communication device).

Regarding claim 11, with reference to figures 1-3, Curry discloses wireless gateway system in communication with a plurality of mobile devices 1 (Figure 2), using a wireless link between base stations transceivers 61 and wireless terminals 1, the transceivers providing two-way wireless voice frequency communications for the wireless terminals, see paragraph [0019], (claimed communicating voice data in IP to a wireless device not supporting Internet protocol (IP)), comprising:

Establishing by a packet service gateway two-way voice communication via the public packet switched data network 31, and for each voice call in progress through a transceiver and the wireless telephone terminal 1. The packet service gateway performs

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the necessary conversions of the voice signals and the protocols used for wireless voice communication and the TCP/IP protocols on the network 31 see paragraph [0033].

(Claimed transforming the-voice data in IP to an over-the-air (OTA) protocol different from IP; and transmitting the voice data in the OTA protocol to the wireless device).

Regarding claim 22, claim 22 is computer program product claim having substantially the same scope of claim 1. Curry further discloses with reference to figure 3B, a software running on a computer of the packet service gateway 69, the software including a control program 103, the control program 103 includes high level control software, session managers 105 as well as one or more databases 107 storing relevant control information. The control program 103 initiates one session manager routine 105 for each call in progress. The session manager receives and processes various signals from the call processing function routines 91 and provides the necessary instructions (claimed codes for causing) to those routines to execute each individual call processing function. The control program 103 also controls or administers TCP/IP addressing functions and initiates certain necessary signaling communications through the network 31.

Regarding claim 74, with reference to figures 1-3, Curry discloses a voice over Internet (VOIP) system comprising:

A wireless gateway system in communication with a plurality of mobile units 1 (Figure 2), using a wireless link between base stations transceivers 61 and wireless terminals 1, the transceivers provide two-way wireless voice frequency communications for the wireless terminals, see paragraph [0019], (claimed at least one infrastructure

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component communicating with one or more wireless devices using a wireless device over-the-air (OTA) protocol different from Internet protocol (IP));

The wireless gateway system comprising a packet service gateway 69, for facilitating communication between a wireless device 1 (claimed target device) and a router within data network 31 (Internet) see (figure 3), (claimed at least one logic component facilitating communication between a target wireless device and a communication device, the target wireless device not supporting IP); the packet service gateway establishes two-way voice communication via the public packet switched data network 31, for each voice call in progress through a transceiver and a wireless telephone terminal 1. The packet service gateway performs the necessary compression and decompression of the voice signals and conversions between the protocols used for wireless voice communication and the TCP/IP protocols on the network 31, see paragraph [0033]. (Claimed the logic component undertaking method acts including: transforming-voice data in IP protocol to the wireless device OTA protocol; sending the voice data in the wireless device OTA protocol to the target wireless device; transforming-voice data in the wireless device OTA protocol from the target wireless device to IP protocol; and sending the voice data in IP protocol toward the communication device).

**As to dependent claims 3, 5-8, 12-15, 18, 19, 22, 27, 28, 73, 77, 80-82:**

Regarding claims 3, 15, 27 and 77 with reference to figure 2, Curry discloses the wireless gateway system comprises base stations 61. (Claimed the infrastructure component is a base station (BTS) or base station controller).

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Regarding claim 12, the wireless gateway system 5 comprising a packet service gateway performing the necessary voice signals conversions between the protocols used for wireless voice communication and the TCP/IP protocols on the network 31, see paragraph [0033]. (Claimed transforming voice data in the OTA protocol from the wireless device to IP; and sending the voice data in IP toward a communication device).

Regarding claims 5-8, 18-19, 80-82 Curry discloses the wireless gateway system 5 comprising a packet service gateway performing the necessary voice signals conversions between the protocols used for wireless voice communication and the TCP/IP protocols on the network 31, see paragraph [0033]. (claimed the wireless device OTA protocol is an over-the-air (OTA) voice protocol, as in claims 5, 19 and 80; converting OTA protocol packets to IP packets, as in claims 6 and 81; converting IP packets to OTA protocol packets, as in claims 83, or converting, as in claims 7, 8, 18 and 82).

Regarding claims 13 and 28, Curry discloses packet service gateway 69 converts the message to TCP/IP packet format, with the appropriate IP address for the HLR (Home Locator Register) database 33 and multiplexes the packet(s) into the portion of the T1 stream going out to the network 31. See paragraph [0100]. (Claimed associating the wireless device with an IP address based at least in part on a location of the wireless device).

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Regarding claim 14, as discussed with regard to parent claim 11, Curry discloses the wireless Gateway System for carrying out the invention. (Claimed method is undertaken by a communication system infrastructure component).

Regarding claim 73, Curry discloses having VOIP. (Claimed voice data represents digitized voice, or digital data).

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 2, 9, 17, 20, 25, 76 and 84 are rejected under 35 U.S.C. 103(a) as being unpatentable over Curry in view of Jiang US Patent 7,058,076 B1.

Regarding claims 2, 9, 17, 20, 25, 76, and 84 as discussed above with regard to respective parent claims 1, 11, 22 and 74, Curry discloses an OTA (Over-The-Air) interface between the wireless devices 1(not supporting IP) and base stations transceivers 61 (figure 2), the transceivers providing two-way wireless voice frequency communications for the wireless terminals. See paragraph [0019]. However, Curry doesn't specify the wireless interface being in accordance with CDMA protocol, or CDMA voice protocol, or the wireless device OTA protocol is a spread spectrum protocol.



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However Jiang discloses in the same field of wireless voice protocols conversion from and to IP protocols in a wireless infrastructure (WINN), a wireless CDMA interface with an IP network for converting between CDMA wireless protocol IP protocol (herein after referred to Jiang gateway). (spreading and dispreading is a feature of CDMA system, claimed the wireless device OTA protocol is a spread spectrum protocol).

It would have been obvious to a person of ordinary skill in the art at the time the invention was made to enhance the wireless gateway system of Curry with Jiang's gateway so that the method of Jiang can be used for CDMA/spread spectrum wireless terminals. A person of skill in the art would do so by recognizing the benefit of having the desirability, given the high number of CDMA users worldwide, to take advantage of using VOIP to make voice calls, resulting in less charges of carrying long distance calls.

3. Claims 4, 10, 16, 21, 23, 24, 69-72, 78, 79 and 85 are rejected under 35 U.S.C. 103(a) as being unpatentable over Curry.

Regarding claims 69-72 and 79, as indicated above, Curry discloses an over-the-air wireless interface protocol but doesn't specify the wireless protocol can be selected from a group of protocols consisting of: CDMA, WCDMA, TDMA, TD-SCDMA, UMTS.

However, these protocols are well-established standards protocols used in of wireless communications systems. It would have been obvious to a person of skill in the art at the time the invention was made to modify the method/system of Curry to be used not only for frequency conversion protocol but also to the existing wireless devices implementing any known standard such as WCDMA, TDMA, TD-SCDMA, UMTS so that

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these wireless devices can communicate over the Internet. It is also more profitable to Curry's system to be capable to provide a variety of services over the Internet for a larger number of wireless subscribers using different wireless protocols.

Regarding claims 69, 71 and 79, Curry discloses all the limitations of respective base claim 1 and 11 and 74 as indicated above, except it doesn't disclose a base station being a gateway for satellite communication system.

However, Examiner takes official notice again as indicated in previous office actions, that gateway for satellite communications is well known in the art. Since official action is taken, it would have been obvious to a person of ordinary skill in the art, at the time the invention was made to have a base system component of Curry being a gateway for satellite communication so that non-IP mobile devices can communicate with remote communication devices using satellite communication system. The advantage would be the ability to provide worldwide communications between the wireless devices of Curry and any other communication device that may be reached over the satellite communication system.

Regarding claims 10, 21, 23, 24 and 85, as indicated above, Curry uses wireless frequency protocol conversion to and from IP protocol. It is implicit that OTA protocol voice packets of Curry has a size less than the size of an IP packet, because the packet size of the voice over IP is relatively large compared to the packet size of voice packet carried over wireless links (longer wireless packets are prone to incur higher bit error rates in wireless system than non wireless systems). (See also as an example prior art admission, specification paragraph [0006]).

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Regarding claims 4, 16 and 78, Curry discloses the infrastructure component is Wireless gateway system comprising Base Transceiver Stations. However, a base Station Controller is implicit in the infrastructure of Curry because it is required for controlling the base stations as known in the art. It would have been obvious to a person of ordinary skill in the art at the time the invention was made to implement the functions of the packet service gateway of Curry within the implicit BSC of Curry in lieu of a separate component of the wireless gateway so that a technician can provide on-site diagnosis in case of failures. (It is noted that the specification does not give any advantage of having the infrastructure implemented whether in Base Station or BSC)

4. Claim 87 is rejected under 35 U.S.C. 103(a) as being unpatentable over Curry in view of Rabipour et al, US 2002/0107593. Hereinafter referred to as Rabipour.

Regarding claim 87, as discussed above with reference to parent claim 11, Curry discloses substantially all the limitations of respective parent claim 11, but does not specify the wireless device is a first wireless device and the first wireless device communicates with a second wireless device in a call, and the method includes not undertaking tandem vocoding in the call.

However, Rabipour discloses that it is well known in the art to bypass vocoding in order to eliminate the condition of vocoder tandeming. See paragraph [0006].

It would have been obvious to a person of ordinary skill in the art at the time the invention was made to bypass vocoding in the system of Curry as taught by Rabipour so to provide tandem free operation standard and to remove the

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compression/decompression stages in the base stations of Curry resulting in more bandwidth efficiency in the system of Curry. (Rabipour paragraph [0006]).

5. Claim 86 is rejected under 35 U.S.C. 103(a) as being unpatentable over Curry in view of Jiang as applied to claim 84 above, and further in view of Rabipour et al, US 2002/0107593 .

Regarding claim 86, as discussed above with reference to parent claim 84, Curry in view of Jiang discloses substantially all the limitations of 84, but does not specify infrastructure component is part of a communications infrastructure undertaking no devocoding.

However, Rabipour discloses that it is well known in the art to bypass vocoding in order to eliminate the condition of vocoder tandeming. See paragraph [0006].

It would have been obvious to a person of ordinary skill in the art at the time the invention was made to bypass vocoding in the system of Curry/ in view of Jiang as taught by Rabipour so to provide tandem free operation standard and to remove the compression/decompression stages in the base stations of Curry in view of Jiang resulting in less processing time of voice information processing and better utilization of system resources. (Rabipour paragraph [0006]).

### ***Response to Arguments***

6. Applicant's arguments with respect to the pending claims 1-25, 27-28, 69-74, and 76-87 have been considered but are moot in view of the new ground(s) of rejection.

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**Conclusion**


7. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure: See Form PTO-892.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to AHMED ELALLAM whose telephone number is (571) 272-3097. The examiner can normally be reached on 7-5:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Chi H. Pham can be reached on (571) 272-3179. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

AHMED ELALLAM  
Examiner  
Art Unit 2616  
2/3/08

  
CHI PHAM  
SUPERVISORY PATENT EXAMINER  
2/4/08